

## DECLARATION FOR UTILITY PATENT APPLICATION

Attorney Docket No. : 980034.415

First Named Inventor : Ronald Berenson

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below under my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHODS FOR RESTORING OR ENHANCING T-CELL IMMUNE SURVEILLANCE FOLLOWING NATURALLY OR ARTIFICIALLY INDUCED IMMUNOSUPPRESSION

which is described and claimed in the specification and claims of Patent Application No. 09/864,930, as filed in the United States Patent and Trademark Office on May 24, 2001 ("this application") for which a patent is sought.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56;

I hereby claim the benefit under 35 U.S.C. § 119(e) of United States Provisional Patent Application No. 60/207,120 filed May 25, 2000.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Declaration of Ronald Berenson  
Docket No. 980034.415  
USAN 09/864,930

  
Ronald Berenson

Date 9/11/01

Residence : Mercer Island, County of King  
State of Washington

Citizenship : United States of America

P.O. Address : P. O. Box 1598  
Mercer Island, Washington 98040

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ronald Berenson  
 Application No. : 09/864,930  
 Filed : May 24, 2001  
 For : METHODS FOR RESTORING OR ENHANCING T-CELL  
 IMMUNE SURVEILLANCE FOLLOWING NATURALLY OR  
 ARTIFICIALLY INDUCED IMMUNOSUPPRESSION

Docket No. : 980034.415

Box Missing Parts  
 Commissioner for Patents  
 Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

Assignee hereby appoints George C. Rondeau, Jr., Reg. No. 28,893; David H. Deits, Reg. No. 28,066; William O. Ferron, Jr., Reg. No. 30,633; Richard G. Sharkey, Reg. No. 32,629; David V. Carlson, Reg. No. 31,153; Karl R. Hermanns, Reg. No. 33,507; Michael J. Donohue, Reg. No. 35,859; Jane E. R. Potter, Reg. No. 33,332; Robert Iannucci, Reg. No. 33,514; Lorraine Linford, Reg. No. 35,939; David W. Parker, Reg. No. 37,414; E. Russell Tarleton, Reg. No. 31,800; Ellen M. Bierman, Reg. No. 38,079; Brian G. Bodine, Reg. No. 40,520; Robert M. Ward, Reg. No. 26,517; Frank Abramonte, Reg. No. 38,066; Kevin S. Costanza, Reg. No. 37,801; Stephen J. Rosenman, Reg. No. 43,058; Brian L. Johnson, Reg. No. 40,033; Susan D. Betcher, Reg. No. 43,498; William T. Christiansen, Reg. No. 44,614; Jeffrey C. Pepe, Reg. No. 46,985; Timothy L. Boller, Reg. No. 47,435; James M. Verna, Reg. No. 33,287; James A. Mesher, Reg. No. P-48,700; Mae J. Rosok, Reg. No. P-48,903; Dale R. Cook, Reg. No. 42,434; comprising the firm of Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092, as its attorneys to prosecute this

application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to William T. Christiansen at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:

William T. Christiansen, Esq.  
Seed Intellectual Property Law Group PLLC  
701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to XCYTE Therapies, Inc. filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

XCYTE Therapies, Inc.

9/11/01  
DATE

Ronald Ber  
Ronald Berenson, Ph.D.  
President and CEO

Enclosure:

Copy of Assignment

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## ASSIGNMENT

WHEREAS, I, Ronald Berenson (hereinafter referred to as ASSIGNOR), having a post office address of P. O. Box 1598, Mercer Island, Washington 98040, am the sole inventor of an invention entitled "METHODS FOR RESTORING OR ENHANCING T-CELL IMMUNE SURVEILLANCE FOLLOWING NATURALLY OR ARTIFICIALLY INDUCED IMMUNOSUPPRESSION," as described and claimed in the specification for which an application for United States letters patent was filed on May 24, 2001, and assigned Application No. 09/864,930. This application claims the benefit of Provisional Application No. 60/207,120, filed on May 25, 2000.

WHEREAS, XCYTE Therapies, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Delaware having a place of business at 1124 Columbia Street, Suite 130, Seattle, Washington 98104, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters

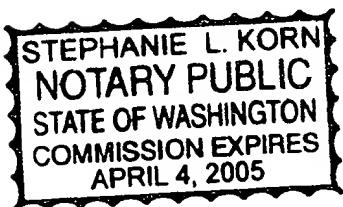
patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

9/11/01  
Date

Ronald Berenson  
Ronald Berenson

State of Washington )  
County of King ) ss.  
                          )

I certify that I know or have satisfactory evidence that Ronald Berenson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated September 11, 2001

Signature of Notary Public Stephanie L. Korn

Printed Name Stephanie L. Korn

My appointment expires April 4, 2005